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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,541	03/11/2004	Michael J. Gray	8135	6481

27752 7590 10/04/2010
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
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EXAMINER

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ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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10/04/2010

PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL J. GRAY and CRAIG PROVOST

Appeal 2009-002038
Application 10/798,541
Technology Center 3700

Before LINDA E. HORNER, MICHAEL W. O'NEILL, and
FRED A. SILVERBERG, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Michael J. Gray and Craig Provost (Appellants) seek our review under 35 U.S.C. § 134 of the Examiner's decision rejecting claims 2, 3, and 5-15. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF DECISION

We AFFIRM-IN-PART.

THE INVENTION

Appellants' claimed invention is a shaving razor having a trimming blade. Spec. 1, l. 3. Claims 2 and 3, reproduced below, are representative of the subject matter on appeal.

2. A shaving razor comprising

a housing having a primary guard at a front of said housing and a primary cap at an upper surface at a back of said housing, one or more primary shaving blades between said primary guard and said primary cap,

a trimming blade mounted at the back of said housing having a trimming blade cutting edge oriented away from said upper surface, and

an elongated handle having a first end secured to said housing,

said handle having a finger pad at said first end on the same side as said primary blades.

3. A shaving razor comprising

a housing having a primary guard at a front of said housing and a primary cap at an upper surface at a back of said housing, one or more primary shaving blades between said

primary guard and said primary cap,

a trimming blade mounted at the back of said housing having a trimming blade cutting edge oriented away from said upper surface, and

an elongated handle having a first end secured to said housing,

said handle being bifurcated adjacent said first end into two portions such that there is a region between said two portions, the two portions joining at the first end to enclose the region.

THE EVIDENCE

The Examiner relies upon the following evidence:

Braginetz	US 3,934,338	Jan. 27, 1976
Gilder	US 5,533,263	Jul. 9, 1996
Shurtleff	US 5,687,485	Nov. 18, 1997
Apprille	US 5,787,586	Aug. 4, 1998
Rozenkranc	US 6,276,061 B1	Aug. 21, 2001
Kohring	US D446,884 S	Aug. 21, 2001
Bosy	US 6,598,303 B2	Jul. 29, 2003
Coffin	US 2003/0217469 A1	Nov. 27, 2003

Platinum Mach 14, SNL ARCHIVES, Episode 25.18, May 6, 2000, <http://snl.jt.org/ep.php?i=0005060> (hereinafter “Platinum Mach 14”).

Definition of “end”, Askoxford.com/concise_oed/end?viewed=uk (last visited Apr. 2, 2007).

Definition of “end”, Infoplease.com Dictionary, <http://www.infoplease.com/dictionary/end> (last visited Apr. 2, 2007).

THE REJECTIONS

Appellants seek review of the following Examiner's rejections:

1. Rejection of claims 2, 3, and 5-15 under 35 U.S.C. § 112, second paragraph, as being indefinite.
2. Rejection of claims 2, 9/2, 12/2, 13/2, and 14 under 35 U.S.C. § 102(b) as being anticipated by Rozenkranc.
3. Rejection of claims 3, 5, 6, 9/3, 12/3, 13/3, and 15 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc and Gilder.
4. Rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable in view either Rozenkranc or Rozenkranc and Gilder.
5. Rejection of claims 8/2 and 14 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc and Bosy.
6. Rejection of claims 8/5 and 8/6 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc, Gilder, and Bosy.
7. Rejection of claims 10/2 and 11/2 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc and Platinum Mach 14.
8. Rejection of claims 10/3 and 11/3 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc, Gilder, and Platinum Mach 14.
9. Rejection of claims 2, 3, 5-11, and 13-15 under 35 U.S.C. § 103(a) as being unpatentable in view of Braginetz, Shurtleff, and Kohring.
10. Rejection of claims 7 and 12 under 35 U.S.C. § 103(a) as being unpatentable in view of Braginetz, Shurtleff, Kohring, Rozenkranc, and Apprille.

ISSUES

The issues presented by this appeal are:

Would a person having ordinary skill in the art understand what is claimed by the recitation in claim 2 of the handle having a finger pad “at said first end” when the claim is read in light of the Specification?

Would a person having ordinary skill in the art understand what is claimed by the recitation in claim 3 of the two portions of the handle joining “at the first end” when the claim is read in light of the Specification?

Is the finger pad of claim 2, as recited, a separate element from the handle?

Does the recitation in claim 3 that calls for the two portions of the handle to join to “enclose” a region encompass a Y-shaped handle having two portions that set only a portion of the boundary of a region?

Has the Examiner articulated an adequate rationale as to why one having ordinary skill in the art would have been led to replace the razor handle of Braginetz with the handle of either Shurtleff or Kohring?

PRINCIPLES OF LAW

The test for definiteness under 35 U.S.C. § 112, second paragraph, is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification.” *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986) (citations omitted).

“Both anticipation under § 102 and obviousness under § 103 are two-step inquiries. The first step in both analyses is a proper construction of the

claims. . . . The second step in the analyses requires a comparison of the properly construed claim to the prior art.” *Medichem, S.A. v. Rolabo, S.L.*, 353 F.3d 928, 933 (Fed. Cir. 2003) (internal citations omitted).

We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims “their broadest reasonable interpretation consistent with the specification” and “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted).

Section 103 forbids issuance of a patent when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”

KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398, 406 (2007). The Supreme Court explained:

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.

Id. at 418. The Court noted that “[t]o facilitate review, this analysis should be made explicit.” *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning

with some rational underpinning to support the legal conclusion of obviousness’’)).

ANALYSIS

Rejection of claims 2, 3, and 5-15 under 35 U.S.C. § 112, second paragraph

Independent claim 2 recites that the handle has a finger pad “at said first end” of the handle. Independent claim 3 recites that the handle is bifurcated adjacent the first end of the handle into two portions, “the two portions joining at the first end.”

The Examiner found that an ordinary and accepted meaning of “end” is the “terminus.” Ans. 4. The Examiner’s indefiniteness rejection is based on the fact that (1) Appellants’ use of the word “end” in the claims does not comport with the ordinary meaning of the word, and (2) Appellants’ Specification fails to clearly define what portion of the handle constitutes the “first end”.²

Appellants argue that “first end” refers to an end portion of the handle rather than merely the terminus of the handle. *See* App. Br. 3-4 (Appellants argue that “first end” “includes that *portion* of the handle as seen from an end view which would be somewhat oval in shape as depicted in Fig. 2 of the present application and the portions of the handle as seen from the side view that are near or adjacent the oval end.”) (Emphasis added).

² The Examiner notes that with regard to claim 2, Appellants’ figures show the finger pad located near, but not “at”, the end or terminus of the handle. Ans. 4. With regard to claim 3, Appellants’ figures show the two bifurcated portions joining adjacent, but not “at”, the first end or terminus of the handle. *Id.*

While we agree with the Examiner that the use of the word “end” in claims 2 and 3 to refer to an *end portion* is not in keeping with the ordinary meaning of the word, we disagree with the Examiner’s finding that a person having ordinary skill in the art, upon reading Appellants’ Specification, would not understand what is being claimed. For example, while the Specification describes the finger pad as being disposed “at the end of the handle” (Spec. 1:27-29), the figures clearly show that the finger pad is near, but not at, the terminus of the handle. *See* Spec., fig. 16 (showing finger pad 726 located near, but not at, the terminus of the handle that connects to the housing 20). Likewise, the figures clearly show that the joining of the portions is near, but not at, the terminus of the handle. *See* Spec., fig. 16 (showing the bifurcated portions 722 and 724 joining near, but not at, the terminus of the handle that connects to the housing 20). As such, one having ordinary skill in the art would understand that the phrase at the “first end” calls for the finger pad or the joining of the portions to be near, but not necessarily at, the terminus of the handle. As such, we will not affirm the Examiner’s rejection of claims 2, 3, and 5-15 under 35 U.S.C. § 112, second paragraph.

Rejection of claims 2, 9/2, 12/2, 13/2, and 14 under 35 U.S.C. § 102(b) as anticipated by Rozenkranc

With regard to this ground of rejection, Appellants argue claims 2, 9/2, 12/2, 13/2, and 14 as a group. App. Br. 4-5. We select claim 2 as representative, and claims 9/2, 12/2, 13/2, and 14 stand or fall with claim 2. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellants argue that the Examiner erred in rejecting claim 2 because the position on Rozenkranc's handle that the Office Action alleges has a finger pad is approximately halfway between the first end and the second end of Rozenkranc's handle, and is thus not "at said first end" of the handle, as called for in claim 2. App. Br. 4. The Examiner annotated a figure from Rozenkranc to show the finger pad and drew a line at the midpoint between the two ends of the handle to define the first end and the second end of the handle in order to show that the finger pad lies at the first end (i.e., within the half of the handle closest to the razor housing). Ans. 6. Appellants contend that the Examiner's interpretation of first end to be too broad in view of the description of the location of the finger pad in Appellants' Specification. App. Br. 4 (citing Spec. 6, ll. 18-21).

Appellants' Specification describes the handle and finger pad as follows:

Referring to Figs. 15 and 16, handle 14 includes a single gentle curve 720 at the end being concave on the same side as primary blades 28. Handle 14 is bifurcated into two portions 722, 724, providing an empty region between them to provide access to finger pad 726 located on the concave side of curve 720. The gentle curve 720 on the same side as the primary blades and finger pad 726 and the access to pad 726 provided by the bifurcated handle permit the user to place a thumb or finger in line with and *directly under* the trimming blade 504, which is located at corner 728 shown in Fig. 14, when trimming sideburns or other whiskers or hairs on user's skin 730.

Spec. 6, ll. 14-21 (emphasis added).

Thus, as described in Appellants' Specification, the finger pad 726 is located between the two bifurcated handle portions 722, 724, so that when the user is using the trimming blade of the razor, the user's finger will rest on the finger pad directly under the trimming blade. As we determined *supra*, one having ordinary skill in the art would understand the phrase "at said first end" in claim 2 to call for the finger pad to be located near, but not necessary at, the terminus of the handle. The location of the finger pad of Rozenkranc identified by the Examiner is located near the middle of the handle and is not located near the terminus, as called for in claim 2. As such, we agree with Appellants that the Examiner's interpretation of "first end" to include a portion of the handle near the middle of the handle is unreasonably broad in view of the description of the handle and finger pad in Appellants' Specification and the understanding of the phrase that one of ordinary skill in the art would have in light of Appellants' Specification. In other words, we disagree that one having ordinary skill in the art upon reading Appellants' Specification would understand the first end to include a portion of the handle near the midpoint of the handle.³

The Examiner provides, however, an alternate finding that the actual terminus of the handle of Rozenkranc constitutes the claimed "finger pad"

³ The Examiner notes in the Answer that he had stated previously in the Final Office Action of July 9, 2007, that the handle of Rozenkranc is a Gillette Mach 3 razor handle, and that he personally measured such a handle and found that the finger pad starts at the 20% mark from the terminus of the handle. Ans. 22. The Examiner fails to provide any basis for the assertion that the Rozenkranc handle is a Gillette Mach 3 razor handle, and Appellants deny the accuracy of this assertion. Reply Br. 1.

because “‘finger pad’ may mean *any surface that a finger is capable of resting upon.*” Ans. 5. Appellants argue that claim 2 requires that the finger pad be a distinct element from the surrounding handle. App. Br. 4. We disagree with Appellants’ proffered interpretation of claim 2.

Claim 2 does not separately recite a finger pad disposed on said handle. Rather, claim 2 recites the three distinct components of the razor, *viz.*, a housing, a trimming blade, and an elongated handle. Claim 2 further recites “said handle having a finger pad at said first end on the same side as said primary blades.” The language of claim 2 does not require the finger pad to be a distinct element from the surrounding handle. Rather, claim 2 requires only that the handle have a “pad” upon which the user can rest his finger. The claim is written broadly so that the “pad” could be simply a surface of the handle that accommodates a user’s finger. While Appellants’ Specification describes that finger pad 726 of the embodiment of Figures 15 and 16 is made of elastomeric material (Spec. 6, ll. 21-22), the language of claim 2 does not require that the claimed “finger pad” must be made of an elastomeric material or of any material different from the material of the handle.⁴ As such, we agree with the Examiner’s interpretation of “finger pad” as broadly encompassing any surface that a finger is capable of resting upon. Appellants admit that “[t]he Office Action is correct in that a user may rest a finger on the first end of the handle of the Rozenkranc razor.” App. Br. 4. Thus, Appellants have failed to adequately demonstrate how the

⁴ See also Spec. 2, ll. 7-8 (describing that in particular embodiments of the invention “[t]he finger pad can be made of elastomeric material.”).

claimed “finger pad” differs structurally from the end of the handle of the Rozenkranc razor. As such, we will affirm the Examiner’s rejection of claim 2 based on the alternate position proffered by the Examiner. Claims 9/2, 12/2, 13/2, and 14 fall with claim 2.

Rejection of claims 3, 5, 6, 9/3, 12/3, 13/3, and 15 under 35 U.S.C. § 103(a) as unpatentable in view of Rozenkranc and Gilder

Independent claim 3, and its dependent claims 5, 9/3, 12/3, 13/3 and 15, call for “said handle being bifurcated adjacent said first end into two portions such that there is a region between said two portions, the two portions joining at the first end to enclose the region.”

The Examiner relied on Rozenkranc for all the elements of claim 3 except for the claimed bifurcated handle at the first end. Ans. 7-8. The Examiner found that Gilder teaches “a handle that is bifurcated such that there is a region between the two portions.” Ans. 8. The Examiner further found that the bifurcated portions 26 of Gilder as seen in figure 5 “enclose a region (which means they set the boundary of a region).” Ans. 9; *see also* Ans. 23 (“[t]here is no requirement for a third side, for the region to be considered ‘enclosed’ by the bifurcations. There is an ‘enclosure’ bounded between the bifurcations of the letter Y for example.”). Appellants argue that the Examiner erred in this last finding because it is the handle plus the cartridge of Gilder that forms the enclosed structure and not the handle alone as claimed. App. Br. 5.

An ordinary meaning of “enclose” is “to surround on all sides; close in.” THE AMERICAN HERITAGE[®] DICTIONARY OF THE ENGLISH LANGUAGE

(Web. 20 Sept. 2010) (2007). As such, we find the Examiner's interpretation of "enclose," which includes an area bounded on only two sides between the bifurcations of the letter Y, to be overly broad in that it is inconsistent with the ordinary meaning of the claim term. As such, we will not affirm the rejection of claim 3 or its dependent claims 5, 9/3, 12/3, 13/3, and 15.

Appellants group claim 6 with independent claim 3. App. Br. 5. Claim 6, however, depends from independent claim 2 and adds "wherein said handle is bifurcated at said first end into two portions such that there is a region between said two portions, the region being positioned to provide access to the finger pad." We agree with the Examiner's finding that a region exists between Gilder's bifurcated handle portions 26, as shown in figure 5. Ans. 11, *see also* Gilder, fig. 5. Because claim 6, which depends from claim 2, does not call for the bifurcated handle portions to join at the first end to "enclose the region," and because Appellants have not presented any separate arguments for patentability of claim 6 apart from claim 3, Appellants have not shown that the Examiner erred in rejecting claim 6 as being unpatentable in view of Rozenkranc and Gilder. As such, we will affirm the rejection of claim 6.

Rejections of claims 7/2⁵, 8/2, 8/6, 10/2, 11/2, and 14 under 35 U.S.C. § 103(a) as unpatentable in view of Rozenkranc (as applied to claim 2), alone or in view of Gilder and/or Bosy and/or Platinum Mach 14

Appellants do not present separate arguments for patentability of claims 7/2, 8/2, 8/6, 10/2, 11/2, and 14, relying instead on the same arguments presented against Rozenkranc in the rejection of base claim 2. App. Br. 5-7 (arguing that Rozenkranc fails to anticipate claim 2, and Gilder, Bosy, and Platinum Mach 14 do not provide the missing elements of Rozenkranc). We found these arguments unpersuasive of error in our analysis of claim 2 *supra*. As such, we will affirm the Examiner's rejections of claims 7/2, 8/2, 8/6, 10/2, 11/2, and 14 under 35 U.S.C. § 103(a) for the same reasons provided *supra* in our analysis of claim 2.

Rejections of claims 7/5, 8/5, 10/3, and 11/3 under 35 U.S.C. § 103(a) as unpatentable in view of Rozenkranc and Gilder (as applied to claim 3) in view of Bosy or Platinum Mach 14

The Examiner's rejections of claims 7/5, 8/5, 10/3, and 11/3 are based on the same error in interpretation of the claim term "enclose" as discussed *supra* in our analysis of claim 3. As such, we will not affirm the Examiner's rejections of claims 7/5, 8/5, 10/3, and 11/3 under 35 U.S.C. § 103(a) for the same reasons provided *supra* in our analysis of claim 3.

⁵ Claim 7 is a multiple dependent claim, depending from both independent claim 2 and dependent claim 5. As such, we understand the Examiner's rejection of claim 7/2 to be based on Rozenkranc alone, and the Examiner's rejection of claim 7/5 to be based on Rozenkranc and Gilder in combination. Ans. 12.

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Rejection of claims 2, 3, 5-11, and 13-15 under 35 U.S.C. § 103(a) as unpatentable in view of Braginetz, Shurtleff, and Kohring

Claims 2, 6, 7/2, 8/2, 8/6, 9/2, 10/2, 11/2, 13/2, and 14

Appellants argue claim 2 and its dependent claims as a group. App. Br. 7. We select claim 2 as representative, and claims 6, 7/2, 8/2, 8/6, 9/2, 10/2, 11/2, 13/2, and 14 stand or fall with claim 2. *See* 37 C.F.R. § 41.37(c)(1)(vii).

The Examiner found that Braginetz discloses all the elements of claim 2, except for a finger pad at the first end. Ans. 16. The Examiner found that both Shurtleff and Kohring teach a finger pad at a “first end” of the razor handle. *Id.*; *see also* Ans. 24 (finding that the underside thumb support position D of Shurtleff constitutes the claimed “finger pad”).

Appellants argue that the Examiner erred in rejecting claim 2 because “[w]hile the curved bars 26 and 28 [defining portion “D”] may support the thumb they are part of the handle 10 and not a distinct finger pad as is required by the claims.” Reply Br. 2. We interpreted the “finger pad” limitation of claim 2 *supra* not to require a finger pad element distinct from the handle. As such, we find Appellants’ argument unpersuasive of error in the Examiner’s rejection of claim 2. Accordingly, we will affirm the rejection of claim 2 under 35 U.S.C. § 103(a) as unpatentable in view of Braginetz, Shurtleff, and Kohring. Claims 6, 7/2, 8/2, 8/6, 9/2, 10/2, 11/2, 13/2, and 14 fall with claim 2.

Claims 3, 5, 7/5, 8/5, 9/3, 10/3, 11/3, 13/3, and 15

The Examiner found that Braginetz discloses all the elements of claim 3, except for the handle having the claimed bifurcated portions adjacent the first end. Ans. 16-17. The Examiner found that Shurtleff shows a bifurcation adjacent a first end enclosing a region therebetween. Ans. 17 (citing Shurtleff, fig. 8).⁶ The Examiner determined that it would have been obvious to modify Braginetz by using the handle of Shurtleff or Kohring, because Shurtleff discloses its handle configuration as being comfortable and ergonomic. *Id.*

While Shurtleff discloses that its handle configuration is comfortable and ergonomic for use with Shurtleff's single edge shaving unit having one or more razor blades 36 between guard member 37 at the front and cap member 38 at the rear (Shurtleff, col. 4, ll. 57-59), neither the Shurtleff disclosure nor the Braginetz disclosure suggests that Shurtleff's handle configuration would be comfortable and ergonomic for use with the double edge safety razor of Braginetz. Braginetz, col. 1, ll. 5-6, 27-30.

As such, we find that the Examiner has failed to articulate adequate reasoning with rational underpinning to explain why one having ordinary skill in the art would have been led to replace the handle of the safety razor of Braginetz with the handle of either Shurtleff or Kohring to reach the invention of claim 3. As such, we will not affirm the Examiner's rejection of claim 3 as being unpatentable in view of Braginetz, Shurtleff, and Kohring because the Examiner has failed to set forth a prima facie case of

⁶ Kohring discloses a similar bifurcation. Kohring, fig. 2.

obviousness of the claimed subject matter. We likewise will not affirm the rejection of claims 5, 7/5, 8/5, 9/3, 10/3, 11/3, 13/3, and 15 because these claims all depend from claim 3.

Rejection of claims 7 and 12 under 35 U.S.C. § 103(a) as unpatentable in view of Braginetz, Shurtleff, Kohring, Rozenkranc, and Apprille

Claims 7 and 12 are multiple dependent claims, each depending directly or indirectly from claims 2 and 3.

Appellants argue that the Examiner erred in rejecting claims 7/2 and 12/2 because the combination of Braginetz, Shurtleff, and Kohring fails to render obvious claim 2, and the addition of Rozenkranc and Apprille to the combination fails to supply the missing elements identified with respect to claim 2. App. Br. 8. We found these arguments unpersuasive of error in our analysis of claim 2 *supra*. As such, we will affirm the Examiner's rejection of claims 7/2 and 12/2 under 35 U.S.C. § 103(a) as unpatentable in view of Braginetz, Shurtleff, Kohring, Rozenkranc, and Apprille for the same reasons provided *supra* in our analysis of claim 2.

Appellants likewise argue that the Examiner erred in rejecting claims 7/5 and 12/3 because "the addition of Rozenkranc and Apprille to the Braginetz/Kohring/Shurtleff combination does not solve the problems facing the skilled man with the existing Braginetz/Kohring/Shurtleff combination." App. Br. 8. We agree with Appellants, and thus will not affirm the Examiner's rejection of claims 7/5 and 12/3 for the same reasons set forth *supra* in our analysis of the underlying rejection of claim 3.

CONCLUSIONS

A person having ordinary skill in the art would understand what is claimed by the recitation in claim 2 of the handle having a finger pad “at said first end” when the claim is read in light of the Specification.

A person having ordinary skill in the art would understand what is claimed by the recitation in claim 3 of the two portions of the handle joining “at the first end” when the claim is read in light of the Specification.

The finger pad of claim 2, as recited, is not a separate element from the handle.

The recitation in claim 3 that calls for the two portions of the handle to join to “enclose” a region does not encompass a Y-shaped handle having two portions that set only a portion of the boundary of a region.

The Examiner has failed to articulate an adequate rationale as to why one having ordinary skill in the art would have been led to replace the razor handle of Braginetz with the handle of either Shurtleff or Kohring.

DECISION

The decision of the Examiner to reject claims 2, 3, and 5-15 under 35 U.S.C. § 112, second paragraph, is reversed.

The decision of the Examiner to reject claims 2, 9/2, 12/2, 13/2, and 14 under 35 U.S.C. § 102(b) as anticipated by Rozenkranc is affirmed.

The decision of the Examiner to reject claims 3, 5, 9/3, 12/3, 13/3, and 15 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc and Gilder is reversed. However, the decision of the Examiner to reject

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claim 6 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc and Gilder is affirmed.

The decision of the Examiner to reject claim 7/2 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc is affirmed. However, the decision of the Examiner to reject claim 7/5 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc is reversed.

The decision of the Examiner to reject claims 8/2 and 14 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc and Bosy is affirmed.

The decision of the Examiner to reject claim 8/5 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc, Gilder, and Bosy is reversed. However, the decision of the Examiner to reject claim 8/6 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc, Gilder, and Bosy is affirmed.

The decision of the Examiner to reject claims 10/2 and 11/2 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc and Platinum Mach 14 is affirmed.

The decision of the Examiner to reject claims 10/3 and 11/3 under 35 U.S.C. § 103(a) as being unpatentable in view of Rozenkranc, Gilder, and Platinum Mach 14 is reversed.

The decision of the Examiner to reject claims 2, 6, 7/2, 8/2, 8/6, 9/2, 10/2, 11/2, 13/2, and 14 under 35 U.S.C. § 103(a) as being unpatentable in view of Braginetz, Shurtleff, and Kohring is affirmed. However, the decision of the Examiner to reject claims 3, 5, 7/5, 8/5, 9/3, 10/3, 11/3, 13/3,

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and 15 under 35 U.S.C. § 103(a) as being unpatentable in view of Braginetz, Shurtleff, and Kohring is reversed.

The decision of the Examiner to reject claims 7/2 and 12/2 under 35 U.S.C. § 103(a) as being unpatentable in view of Braginetz, Shurtleff, Kohring, Rozenkranc, and Apprille is affirmed. However, the decision of the Examiner to reject claims 7/5 and 12/3 under 35 U.S.C. § 103(a) as being unpatentable in view of Braginetz, Shurtleff, Kohring, Rozenkranc, and Apprille is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

nlk

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